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November 6, 2006

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Attn: Examiner BERHANE, Adolf D.
Examination Group Art Unit 2838Re: Applicant: DASGUPTA, Sankar; JACOBS; James K. and BHOLA, Rakesh
Owner: ELECTROVAYA INC.

Patent Application in the U.S.

Serial No. : 10/661813 Filing Date: September 15, 2003

Our Case : P63902

Title : Energy Storage Device for Loads Having
Variable Power Rates

OFFICE ACTION MAILED JULY 5, 2006

DUE DATE : OCTOBER 5, 2006

ONE MONTH EXTENSION OF TIME UNTIL SUNDAY, NOVEMBER 5, 2006

Dear Sirs:

Submitted herewith is a response to the Office Action mailed July 5, 2006.

PROVISIONAL REQUEST FOR EXTENSION OF TIMEIt is hereby petitioned that, under 37 CFR 1.136, the response term in this application be extended, if necessary, to a date which includes the filing date of the present amendment.

Attached is a completed PTO-2038 Form authorizing payment of the necessary extension fee for one-month for a small entity.

The Commissioner is hereby authorized to charge any additional necessary extension fees to Deposit Account No. 18-1350 under an order number corresponding to our file Case No. P63902.

Respectfully submitted,

RICHERS, MCKENZIE & HERBERT LLP

By: Jeff Pervanas
Reg. No. 41,543

JP/sll

Encls.

Response (9 pages)

PTO-2038 Form (1 page)

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